IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO No. 4378 of 2006
Date of decision : 21.9.2006

Subhash Gupta

....Appellant

Versus

Smt. Usha & others

...Respondents

CORAM : HON'BLE MR.JUSTICE UMA NATH SINGH
HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Shish Pal Laler, Advocate
for the appellant.

...

UMA NATH SINGH, J.(Oral)

In this appeal against award dated 31.1.2006 passed by the Learned Presiding Officer, Motor Accident Claims Tribunal, Faridabad in M.A.C.T. Petition No.80 of 2003, learned counsel submitted that the appellant was not the owner of the boiler which was parked in the middle of the road, and thus was not responsible for the accident. From the material on record, so also from the submission of learned counsel, it appears that the site where the boiler was parked had been given on contract to M/s Atlas Construction Company, being owned by the appellant. Besides, the boiler had not been removed from the site even after completion of the work. It appears that it was stationary and was parked in that manner only under the instruction of the company of the appellant. As such, we do not find any force in the submission of learned counsel

that the appellant owner of the boiler should not be held liable for payment of compensation. That apart, as the accident took place having struck against the boiler while driving a scooter in the moddle of the road, the Tribunal has rightly apportioned the compensation and has held the deceased also liable for contributory negligence. The deceased was a young man of 32 years and the Tribunal has taken a conservative view in awarding only a sum of Rs.2,52,000/- after deducting 1/4th thereof towards personal expenses with 7.5% per annum interest.

We do not find any ground to interfere in the appeal, hence, dismiss in limine.

(UMA NATH SINGH)
JUDGE

21.9.2006

(MAHESH GROVER)
JUDGE

dss